

REMARKS

Claims 1-6, 8, 10-12, 14-23 and 25 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,108,113 to Fee ("Fee"). Applicant respectfully disagrees and traverses this rejection for at least the following reasons.

Each of the claims require generation of at least one "operating parameter carrier having a frequency value in a vicinity of a null of a data spectrum". Fee does not disclose or suggest the generation of such an operating parameter which has a frequency value in a vicinity of a null, as in the claims of the present invention. To the contrary, Fee's subcarrier signal 610 is not at a frequency which is anywhere near a null, as in the claims of the present invention. Instead, Fee discloses that the subcarrier signal 610 is of a frequency which is several orders of magnitude less than that of a data signal 602 (see column 9, lines 59-64).

For the Examiner's further reference, in the examples shown in FIG. 2 of the present invention, nulls are shown at 10 GHz and 20 GHz, respectively.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-6, 8, 10-12, 14-23 and 25.

Claims 7, 9, 13, 24 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fee in combination with U.S. Patent No. 6,570,689 to Kushita ("Kushita"). Applicant respectfully disagrees and traverses this rejection for at least the following reasons.

Each of these claims depends upon an independent claim which is patentable over Fee for the reasons given above. It is respectfully submitted that these claims are also patentable over Fee for similar reasons.

In addition, Applicant respectfully submits that one of ordinary skill in the art would not combine Fee and Kushita because neither Fee nor Kushita suggest, or even hint of, such a combination. Fee is directed at the detection of faults along an optical fiber. In contrast, Kushita is directed at an automotive locking/unlocking device which uses an infrared signal. It is respectfully submitted that nothing in Fee or Kushita suggests or provides a motivation to one of ordinary skill in the art to combine one or the other to arrive at the claimed inventions.

Accordingly, Applicant respectfully requests that the rejections be withdrawn and claims 7, 9, 13, 24 and 26 be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

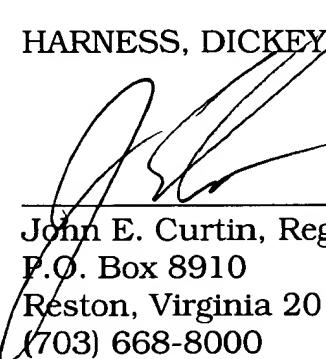
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, Dickey, & PIERCE, P.L.C.

By


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